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September 9, 1997

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ET Docket No. 97-157

Dear Mr. Caton:


On behalf of Paging Systems, Inc., licensee of low power television station WLMF-LP, Channel 13, at Miami, Florida, there is transmitted herewith and filed an original and four copies of its Comments in response to the Commission's Notice of Proposed Rulemaking released July 10, 1997.

Should any questions arise with regard to the enclosed comments, kindly communicate directly with undersigned counsel.

Very truly yours,

KAYE, SCHOLER, FIERMAN,
HAYS & HANDLER, LLP

By:


Bruce A. Eisen

Enclosure

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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OFFICE OF THE SECRETARY

In the Matter of)	
)	
Reallocation of Television)	ET Docket No. 97-157
Channels 60-69,)	
746-806 MHz Band)	

TO: The Commission

COMMENTS OF PAGING SYSTEMS, INC.

Paging Systems, Inc. ("WLMF"), by its attorneys, hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 97-245, released July 10, 1997. In support thereof, the following is shown:

1. Paging Systems, Inc. is the licensee of low power television station WLMF-LP, which operates on Channel 13 at Miami, Florida. WLMF is an operating facility, which, it is respectfully submitted, significantly advances the public interest by broadcasting quality programming to its service area.

2. On April 21, 1997, the Commission released its Sixth Report and Order in MM Docket No. 87-268, FCC 97-115, thereby adopting a Digital Television Table of Allotments in order to provide full service television broadcasters with a DTV allotment capable of providing digital television coverage largely

replicating the geographic area comparable to the existing NTSC coverage.

3. In the course of the Report and Order, the Commission emphasized its belief that low power television stations were important elements in the framework of television broadcasting, and acknowledged that it would extend certain relief to LPTV licensees whose facilities would be placed into conflict with the new DTV channels. Nevertheless, the Commission disregarded LPTV stations when it revised the DTV allotments. Naturally, this omission raises the potential of service disruption as well as a diminishment of a low power television station's ability to adequately compete in the video marketplace. Low power television stations are considered a secondary service, but they are a significant source of television to a major segment of the United States.

4. WLMF will be displaced by Television Station WPEC(TV), Channel 12, at West Palm Beach, Florida. WPEC has been allotted DTV Channel 13, and WLMF has determined that WPEC's DTV operation will receive predicted interference from WLMF to such an extent that the present WLMF Channel 13 will be displaced. It is noted that on June 9, 1997, WLMF filed an application on FCC Form 346 to propose a construction permit to specify operation on Channel

53 from a new transmitter site. WLMF showed, therein, that there were sound public interest reasons to process and grant the displacement application without delay. To date, the Commission has not acted upon WLMF's application.

5. The NPRM proposes the reallocation of Television Channels 60-69, a matter which WLMF considers a threat to the continued viability of its operations in Miami as well as other low power television facilities around the nation. The NPRM contemplates services other than television to operate in the 60-69 band with four of the ten channels to be devoted to public safety, and the rest to commercial services, the precise rules for which are to be determined at a later date. Channels to be acquired by commercial services in the reallocation will be awarded through competitive bidding.

6. WLMF strongly believes that the Channel 60-69 band should remain allocated for broadcast use. In particular, the remaining channels within that band should be used to accommodate those low power television stations displaced by the new DTV channel allocations. It is manifestly unfair for the Commission to "pull the rug out from under" operating low power television stations, while simultaneously conducting auctions for additional commercial use. The Commission, itself, will not preclude a

successful bidder on spectrum in the relevant band to use the channels to deliver television signals. Hence, it is clear that the Commission has no policy reason to foreclose LPTV licensees from utilizing Channels 60-69, especially in situations where such licensees have been displaced by the DTV allotments.

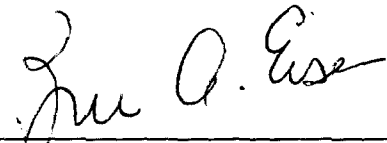
7. The Commission may take official notice of the fact that low power television stations are often located within Channels 60-69. Moreover, many displaced from lower channels may have to seek an assignment in that band especially during the transition where every full power station will operate on two channels. Therefore, WLMF urges the Commission to allow LPTV stations to continue operating on or to migrate temporarily to Channel 60-69 while full power stations operate on two channels. Moreover, any spectrum which ultimately becomes the subject of competitive bidding should be auctioned with an understanding that some of the channels may have to await the end of the digital transition period. Even more important, however, is the need for the Commission to understand the precarious positions into which low power television stations find themselves. Channels 60-69 should be a "safe harbor" for displaced low power television stations to be licensed. Any other conclusion, would contravene the Congress of the United States which has encouraged

the Commission to adequately address the interests of low power television stations.

In light of the foregoing, WLMF requests the Commission to consider these comments and to issue a Report and Order which adopts the suggestions urged.

Respectfully submitted,

PAGING SYSTEMS, INC.

By: 
Bruce A. Eisen

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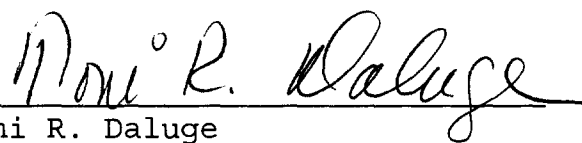
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September 9, 1997

CERTIFICATE OF SERVICE

I, Toni R. Daluge, a secretary in the law office of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that on this 9th day of September, 1997, a copy of the foregoing Comments of Paging Systems, Inc., has been hand-delivered to the following:

Sean White, Esq.
Office of Engineering & Technology
Federal Communications Commission
2000 M Street, N.W.
Room 427
Washington, D. C. 20554



Toni R. Daluge